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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,333	09/08/2003	Chao-Jung Wu	7257/71042	1664
7590	12/01/2004			EXAMINER NEGRON, ISMAEL
Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/657,333	WU, CHAO-JUNG	
	Examiner Ismael Negron	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 September 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Title***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Adjustable Lighting Apparatus having Plug-In Head.**

### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it refers to purported merits or speculative applications of the invention, and it uses phrases which can be implied. Correction is required. See MPEP § 608.01(b).

The Examiner suggests deleting the phrase "is disclosed" from line 2, and the complete last sentence (lines 7-10).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "*the metal pin*" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 is indefinite as it is not clear is it was the applicant's intention to claim the metal pin as part of the invention, or just the polarity of the claimed terminal fitting structure. It is noted that neither the metal pin, nor the circular socket (of which the metal pin is part of), were previously defined by the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by SKJERVOLL (U. S. Pat. 3,585,564).

SKJERVOLL discloses an illumination device having:

- **a flexible arm (as recited in Claim 1)**, Figure 1, reference number 12;
- **a fully rotatable head (as recited in Claim 1)**, Figure 1, reference number 14;
- **a power connector disposed on first end of the flexible arm (as recited in Claim 1)**, inherent;
- **a terminal fitting disposed on a second end of the flexible arm (as recited in Claim 1)**, Figure 1, reference number 13;
- **a circular socket (as recited in Claim 1)**, Figure 2, reference number 15;
- **the socket being attached to an open end of the terminal fitting (as recited in Claim 1)**, as seen in Figure 2;
- **the head having a lighting element installed therein (as recited in Claim 1)**, column 1, lines 44-46;

- **a plug-in portion located at one end of the head (as recited in Claim 1), Figure 2, reference number 22;**
- **the plug-in portion being for insertion into the circular socket (as recited in Claim 1), as evidenced by Figure 2;**
- **the circular socket having a first metal ring on inside wall, Figure 2, reference number 18;**
- **the plug-in portion having a metal pin in the center, Figure 2, reference number 25;**
- **the plug-in portion of the head having a slot (as recited in Claim 3), as evidenced by Figure 2;**
- **the slot being for accommodating a metal cylinder on inside wall of the slot (as recited in Claim 3), as evidenced by Figure 2; and**
- **the plug-in portion having a second metal ring on outside wall of the slot (as recited in Claim 3), Figure 2, reference number 26.**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over SKJERVOLL (U. S. Pat. 3,585,564).

SKJERVOLL discloses an illumination device having:

- **a flexible arm (as recited in Claim 1)**, Figure 1, reference number 12;
- **a fully rotatable head (as recited in Claim 1)**, Figure 1, reference number 14;
- **a power connector disposed on first end of the flexible arm (as recited in Claim 1)**, inherent;
- **a terminal fitting disposed on a second end of the flexible arm (as recited in Claim 1)**, Figure 1, reference number 13;
- **a circular socket (as recited in Claim 1)**, Figure 2, reference number 15;
- **the socket being attached to an open end of the terminal fitting (as recited in Claim 1)**, as seen in Figure 2;
- **the head having a lighting element installed therein (as recited in Claim 1)**, column 1, lines 44-46;
- **a plug-in portion located at one end of the head (as recited in Claim 1)**, Figure 2, reference number 22;
- **the plug-in portion being for insertion into the circular socket (as recited in Claim 1)**, as evidenced by Figure 2;

- **the circular socket having a first metal ring on inside wall (as recited in Claim 2),** Figure 2, reference number 18;
- **the plug-in portion having a metal pin in the center,** Figure 2, reference number 25;
- **the first and second metal rings being fully in contact with each other (as recited in claims 4 and 6),** as seen in Figure 2;
- **the metal cylinder and the metal pin being fully in contact with each other (as recited in claims 4 and 6),** as seen in Figure 2;
- **the terminal fitting and the plug-in portion being able to establish the necessary electrical contact for actuating the lighting element (as recited in claims 4 and 6),** as evidenced by Figure 2.

SKJERVOLL discloses all the limitations of the claims, except the metal pin being located in the center of the circular socket (as recited in Claim 2), the first and second rings representing a positive electrode while the cylinder and pin represent a negative electrode (as recited in Claim 4), or, in the alternate, the first and second rings representing a negative electrode while the cylinder and pin represent a positive electrode (as recited in Claim 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the position of the pin, or the polarity of each connecting arrangement in the connector of SKJERVOLL, since it has been held by the courts that

a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SKJERVOLL (U. S. Pat. 3,585,564).

SKJERVOLL discloses an illumination device having:

- **a flexible arm (as recited in Claim 1)**, Figure 1, reference number 12;
- **a fully rotatable head (as recited in Claim 1)**, Figure 1, reference number 14;
- **a power connector disposed on first end of the flexible arm (as recited in Claim 1)**, inherent;
- **a terminal fitting disposed on a second end of the flexible arm (as recited in Claim 1)**, Figure 1, reference number 13;
- **a circular socket (as recited in Claim 1)**, Figure 2, reference number 15;
- **the socket being attached to an open end of the terminal fitting (as recited in Claim 1)**, as seen in Figure 2;
- **the head having a lighting element installed therein (as recited in Claim 1)**, column 1, lines 44-46;
- **a plug-in portion located at one end of the head (as recited in Claim 1)**, Figure 2, reference number 22;

- **the plug-in portion being for insertion into the circular socket (as recited in Claim 1), as evidenced by Figure 2;**
- **the circular socket having a first metal ring on inside wall, Figure 2, reference number 18;**
- **the plug-in portion having a metal pin in the center, Figure 2, reference number 25;**
- **the plug-in portion of the head having a slot (as recited in Claim 3), as evidenced by Figure 2;**
- **the slot being for accommodating a metal cylinder on inside wall of the slot (as recited in Claim 3), as evidenced by Figure 2;**
- **the plug-in portion having a second metal ring on outside wall of the slot (as recited in Claim 3), Figure 2, reference number 26.**
- **the first and second metal rings being fully in contact with each other (as recited in claims 5 and 7), as seen in Figure 2;**
- **the metal cylinder and the metal pin being fully in contact with each other (as recited in claims 5 and 7), as seen in Figure 2;**
- **the terminal fitting and the plug-in portion being able to establish the necessary electrical contact for actuating the lighting element (as recited in claims 5 and 7), as evidenced by Figure 2.**

SKJERVOLL discloses all the limitations of the claims, except the first and second rings representing a positive electrode while the cylinder and pin represent a

negative electrode (as recited in Claim 5), or, in the alternate, the first and second rings representing a negative electrode while the cylinder and pin represent a positive electrode (as recited in Claim 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the polarity of the connecting arrangement in the connector of SKJERVOLL, since it has been held by the courts that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

#### ***Relevant Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Silver** (U.S. Pat. 3,246,278), **Tomaro** (U.S. Pat. 3,937,543) and **Dorsey et al.** (U.S. Pat. 4,326,769) disclose electrical connectors capable of providing unlimited rotation of the connecting structure.

**Eckert et al.** (U.S. Pat. 5,521,803), **Tseng** (U.S. Pat. 5,615,945), **Krietzman** (U.S. Pat. 6,575,596) and **Kim** (U.S. Pat. 6,680,844) disclose illumination devices including a lamp head located at one end of a flexible arm, and a power connector at the end opposite the lamp head.

**Lynch** (U.S. Pat. 1,096,440), **De Widt** (U.S. Pat. 4,473,869), **Hesse et al.** (U.S. Pat. 4,525,773), **Kao et al.** (U.S. Pat. 5,091,834) and **Sherman** (U.S. Pat. 6,186,292)

disclose illumination devices having means to provide rotation of the light source support.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

*John A. Ward*  
Inr

November 12, 2004

*John A. Ward*  
JOHN ANTHONY WARD  
PRIMARY EXAMINER